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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,014	07/31/2003	Christopher J. Calhoun	MA9606P	9368

7590 10/06/2008

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EXAMINER
SOROUSH, ALI

ART UNIT	PAPER NUMBER
1616	

MAIL DATE	DELIVERY MODE
10/06/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/632,014	CALHOUN ET AL.	
	Examiner	Art Unit	
	ALI SOROUSH	1616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 April 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-29,35,36 and 51* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-29, 35, 36, and 51* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Acknowledgement of Receipt

Applicant's response filed on 04/14/2008 to the Office Action mailed on 03/17/2008 is acknowledged.

Status of the Claims

Claims 30-33 and 37-50 are cancelled. Therefore, claims 1-29, 34-36, and 51 are currently pending examination for patentability.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The rejection of claims 1, 2, 4, 5, 14-17, 21, 22, 34-36, and 51 under 35 U.S.C. 102(b) as being anticipated by Arm et al (WO 93/20859, published 10/28/1993) **is maintained**.

Arm et al. teaches, "biodegradable films comprising a polylactic/polygylcolic acid copolymer, a therapeutically effective amount of polypeptide growth factor, and a carrier are provided." (See abstract). "Compositions are in the form of biodegradable polyester films, such as polylactic acid, polyglycolic acid …" (See page 5, Lines 12-13). "Because polymers of enantiomeric lactides are crystalline and therefore more resistant to degradation than their racemic counterparts, it is preferred to used mixed enantiomer (e.g. poly (D, L-lactide acid)) polymers within the present invention." (See page 6, Lines

19-23). “Film thickness of less than about 50 µm are preferred, particularly film thickness between 5 and 20 µm.” (See page 6, Lines 33-35). “The films may be affixed to the outer surface of an implantable or prosthetic device such as a screw, pin, plate, rod or artificial joint component.” (See abstract). Arm et al. teaches the use of the film with non-biological implants such as a medical device, i.e. “rods” for “enhancing bone repair of bone fractures” (see abstract) and also with biological implants such as an allograft material, i.e. “demineralized bone matrix plugs” to induce new bone formation. “The films may, for example, be wrapped around the outer surfaces of surgical screws, rods, pins, plates, and the like. The films can also be used to coat bone filling materials, such as hydroxyapetite blocks, demineralized bone matrix plugs, collagen matrices and the like …” (See page 13, Lines 9-19). With regard to resorbablity of the film Arm et al. teaches, “the unloaded *in vitro* degradation study showed mass loss from 50:50 and 85:15 PLA/PGA copolymer rods in the range of 80-95% by the 76-day point …” (See page 15, Lines 25-27). With regard to the film characteristic being nonporous although Arm et al. is silent to this because the film has the same characteristic composition therefore products of identical chemical composition cannot have mutually exclusive properties. A chemical composition and its properties are inseparable. Therefore, if the prior art teaches the identical chemical structure, the properties applicant discloses and/or claims are necessarily present. Therefore, it is the examiners position that the film taught by Arm et al. would be nonporous for the reasons above. Arm et al. teaches a film of 100% polylactic acid and the addition of a carrier and peptide growth factor are

a preferred embodiment but not a limiting embodiment of Arm et al.'s invention. (See page 3, Lines 36-37 and page 4, Lines 1-8).

Response to Applicant's Arguments

Applicant argues that the amendment to the claims to recite that the film consists "essentially of: polylactide polymer or a copolymer of two or more cyclic esters" overcomes the rejection. Applicant's arguments have been fully considered but are not found persuasive. Arm et al. teach a film of 100% polylactic acid, which reads on the instant claims. It should be noted that disclosed examples and preferred embodiments do not constitute a teaching away from a broader disclosure or non-preferred embodiments. In re Susi, 440 F.2d 442, 169 USPQ 423 (CCPA 1971). In the instant case, Arm et al. do in fact also disclose the production of 100% polylactic acid film in the description of figure 1 (see page 4) and example 5 (see page 19). Therefore, for the foregoing reasons, the rejection of claims 1, 2, 4, 5, 14-17, 21, 22, 34-36, and 51 under 35 U.S.C. 102(b) is maintained.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Applicant Claims
2. Determining the scope and contents of the prior art.
3. Ascertaining the differences between the prior art and the claims at issue; and resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

1. The rejection of claims 1, 4, 7-18, 21, and 22 under 35 U.S.C. 103 (a) as being unpatentable over Hossainy et al. (US 6541373, published 09/17/2002, Filed 08/04/2000) **is maintained**.

Applicant Claims

Applicant claims a method for attenuating adhesion between an implant and surrounding tissue providing a non-porous, resorbable planar membrane polymer of poly-L-lactide and poly-D-L-lactide surrounding a biological or non-biological implant.

Determination of the Scope and Content of the Prior Art (MPEP §2141.01)

Hossainy et al teaches, a "method of forming a therapeutic coating onto a surface of an implantable prosthesis" (See title). Examples of implantable devices "include self-expandable stents, balloon-expandable stents, and grafts, among other possibilities". (See column 3, Lines 39-40). An example of a graft taught by Hossainy et al. is a vascular graft. (See column 4, Line 12). "The graft may be attached at each end of the diseased region … alternatively the diseased region maybe removed and replaced by the graft." Hossainy et al. further teaches, " In accordance with some embodiments, a predetermined amount of therapeutic substance is added to predetermined amount of first fluid." (See column 3, Lines 64-66). "Exemplary first fluids include, but are not limited to, deionized water, methanol, ethanol, □reon, and acetonitrile. In some other embodiments, the composition additionally includes a polymer, or combination of polymers, dissolved in the first fluid. Example of biosorbable materials include but are not limited to polycaprolactone (PCL), poly-D,L-lactide, poly-L-lactic acid (L-PLA) …" (See column 5 Lines 46-62). "In such embodiments, the polymeric materials can make up from about 0.1% to about 30%, or more particularly

from about 0.1% to about 10% by weight of the total weight of the composition…" (See column 6, Lines 14-16). An example method of coating a implantable prosthesis is taught by Hosseiny et al. "A … ethylene vinyl alcohol copolymer:DMSO solution is made … Actinomycin is added to the EVOH:DMSO solution to form a suspension. Pluronic, a suspension stabilizer is added to the suspension … The … stent is attached to mandrel wires and dipped into the suspension. The coated stent is then placed in a vacuum oven …" (See column 11, Lines 39-55). Following application of the composition to the prosthesis removal of the first fluid techniques such as "evaporation at ambient pressure and room temperature in an anhydrous atmosphere for 48 hours, or exposure to mild heat, e.g. 60-65°C, under vacuum conditions" is used (column 8, Lines 4-7). In variations of the application of the composition to the surface of the prosthesis Hossainy et al. teaches, "spraying the composition onto the prosthesis or immersing the prosthesis in the composition." (See column 7, Lines 48-49).

Ascertainment of the Difference Between Scope the Prior Art and the Claims (MPEP §2141.012)

Hossainy et al. does not anticipate the instant invention but they do teach a class of polymers from which polylactic acid and more specifically poly-L-lactic acid and poly-D, L-lactic acid can be selected. Further, Hossainy et al. teach a class of first fluids (solvents) from which acetonitrile can be selected. Hossainy et al. thereby teach the combination of the polymer and solvent of the instant invention. Although a drying step using a vacuum oven is not anticipated by Hossainy et al., the teaching of EVOH:DMSO would lead one skilled in art to use the same method steps of coating an implant and drying using a vacuum oven with a solution of polylactic acid: acetonitrile.

Finding of Prima Facie Obviousness Rational and Motivation (MPEP §2142-2143)

In the example method taught by Hossainy et al. for coating an implantable prosthesis, the EVOH could be replaced with a lactic polymer as this is given as a suitable substitute polymer, and DMSO can be replaced with acetonitrile as Hossainy et al lists this as suitable first fluid substitute. Therefore, any combination of polymer to first fluid (solvent) composition disclosed in Hossainy et al. can reasonably be dried using a vacuum oven or under anhydrous atmosphere, under room temperature conditions. An anhydrous atmosphere, being simply air with the moisture removed, would make obvious the use of both evaporation techniques concurrently. Since both drying by air and vacuum oven cause the solvent to evaporate from the composition after the composition is applied to the implant, the combination of both techniques would be obvious because it would enhance the evaporation of the solvent. One would be motivated to use polylactides because a polylactide, such as poly-D,L-lactide, is more available to degradation.

Response to Applicant's Arguments

Applicant argues that the amendment to the claims to recite that the film consists "essentially of: polylactide polymer or a copolymer of two or more cyclic esters" overcomes the rejection. Applicant's arguments have been fully considered but are not found persuasive. Section 2111.03 [R-3] of the MPEP states, "The transitional phrase 'consisting essentially of' limits the scope of a claim to the specified materials or steps 'and those that do not materially affect the basic and novel characteristic(s)' of the claimed invention." The MPEP further states, "For the purposes of searching for and

applying prior art under 35 U.S.C. 102 and 103, absent a clear indication in the specification or claims of what the basic and novel characteristics actually are, 'consisting essentially of' will be construed as equivalent to 'comprising'." Applicant's claims or specification does not make clear that a carrier and a compound such as actinomycin would materially affect the basic or novel characteristic of the instantly claimed invention. It is noted that actinomycin is compound that inhibits cell proliferation and therefore it is the examiners position that a film comprising such a compound would in fact impede adhesion between the surrounding tissue and the implant. Absent evidence that the compound would materially effect the basic and novel characteristic of the instantly claimed invention the rejection of claims 1, 4, 7-18, 21, and 22 under 35 U.S.C. 103 (a) is maintained.

2. The rejection of claims 1, 4, 7, 13-23, 25, 29, and 34-36 under 35 U.S.C. 103 (a) as being unpatentable over Lahtinen (US 2003/0059463 A1, published 3/27/2003) **is maintained**.

Applicant Claims

Applicant claims a method for attenuating adhesion between an implant (i.e. organ) and surrounding tissue providing a non-porous, resorbable planar membrane polymer of poly-L-lactide and poly-D-L-lactide surrounding a biological implant.

Determination of the Scope and Content of the Prior Art (MPEP §2141.01)

Lahtinen teaches, "the invention relates to a medical device suitable for implantation into a human or animal, such as an implantable prosthetic device, a

method of improving a human or animal body's acceptance of a medical device comprising at least one synthetic surface as well as a method of producing a device according to the invention." (See column 1, paragraph 1). "Said device comprises a core and a nucleic acid present in a biologically compatible medium …" (See column 6, paragraph 21). "The biologically compatible medium is a biostable polymer, a biosorbable polymer, a biomolecule, a hydrogel polymer or fibrin." (See column 7, paragraph 24). "Biosorbable polymers that may be used include, but are not limited to, poly-(L-lactic acid), … poly(D,L-lactic acid) …." (See column 26, paragraph 112). Lahtinen further teaches, "In one aspect there is a solid/solid solution of polymer and drug. This means that the drug and the polymer both are soluble in the same solvent and have intimately admixed in the presence of that solvent. The drug and polymer can be applied in various ways, such as by simply immersing the implant into the solution or by spraying the solution onto the implant. The polymer can be porous or nonporous on the implant" (See column 27, paragraph 112). Lahtinen teaches that the implant to be "immersed or sprayed" with the solution can be an implant such as an "organ", allografting material such as a "vascular graft" to be implanted in soft tissue, or a prosthesis such as a "pacemaker lead" or "cardiac assist device" to be implanted in soft tissue. "A medical implant maybe an implantable prosthetic device, and more particularly, a cardiovascular implant or tissue implant, as well as blood-contacting medical implant, a tissue contacting medical implant, a bodily fluid-contacting medical implant, an implantable medical device, an extracorporeal medical device, an artificial heart, a cardiac assist device, an endoprosthesis medical device, a vascular graft, a

stent graft, a heart valve, a cardiovascular patch, a temporary intravascular implant, an annuloplasty ring, a catheter, a pacemaker lead, a biosensor, a chamber for holding living cells, an organ implant, or a bioartificial organ." (See column 8, paragraph 35). "Preferred devices are implantable in the body, and include cardiovascular implants, tissue implants, artificial organs, such as pancreas, liver, and kidney, and organ implants, such as breast, penis, skin, nose, ear, and orthopedic implants" (See column 23, paragraph 129).

Ascertainment of the Difference Between Scope the Prior Art and the Claims (MPEP §2141.012)

Lahtinen does not anticipate the instant invention since one cannot immediately envisage the utilization of polylactic acid polymers. Although Lahtinen teaches a porous or nonporous coating, Latinen does not specifically teach a nonporous polylactic acid coating.

Finding of Prima Facie Obviousness Rational and Motivation (MPEP §2142-2143)

Although, Lahtinen does not anticipate the instant invention, it would have been obvious to one of ordinary skill in the art at the time of the presently claimed invention to use polylactic acid for the film to coat the implant. One would have been motivated to use polylactic acid as the polymer base coating for vascular graft because Lahtinen makes ploylactic acid a preferred embodiment for coating a vascular graft. (See

pargraph 135). Thus, if one desired to make a vasculature coated graft, a skilled artisan would utilize a polylactic acid polymer base coating as suggested by Latinen. One would also be motivated to form a nonporous polymer film because Lehtinen teaches that a nonporous film "serves to provide tear resistance" of the film. (See paragraph 130). For the foregoing reasons, the instantly claimed method of attenuating adhesions between an implant and surrounding tissue is made obvious.

Response to Applicant's Arguments

Applicant argues that the claims recite that the film consists "essentially of: polylactide polymer or a copolymer of two or more cyclic esters" overcomes the rejection. Applicant's arguments have been fully considered but not found persuasive. Section 2111.03 [R-3] of the MPEP states, "The transitional phrase 'consisting essentially of' limits the scope of a claim to the specified materials or steps 'and those that do not materially affect the basic and novel characteristic(s)' of the claimed invention." The MPEP further states, "For the purposes of searching for and applying prior art under 35 U.S.C. 102 and 103, absent a clear indication in the specification or claims of what the basic and novel characteristics actually are, 'consisting essentially of' will be construed as equivalent to 'comprising'." Applicant's claims or specification does not make clear that a carrier and a drug compound would materially affect the basic or novel characteristic of the instantly claimed invention. Absent evidence that the compound would materially effect the basic and novel characteristic of the instantly

claimed invention the rejection of claims 1, 4, 7, 13-23, 25, 29, and 34-36 35 U.S.C. 103 (a) is maintained.

3. The rejection of claims 1, 3, 4, 5, 21-28, and 51 under 35 U.S.C. 103 (a) as being unpatentable over Ledergerber (US Patent 4955907, Published 09/11/1990) in view of Schneider (US Patent 3636956, Published 01/25/1972) **is maintained**.

Applicant Claims

Applicant claims a method for attenuating adhesion between an implant (i.e. organ) and surrounding tissue providing a non-porous, resorbable planar membrane polymer of poly-L-lactide and poly-D-L-lactide surrounding an implant.

Determination of the Scope and Content of the Prior Art (MPEP §2141.01)

Ledergerber teaches, "the present invention is directed to: (A) the use of a covering for a prosthesis … Expanded PTFE (polytetrafluroethylene) is used in the preferred embodiment of this invention." (See column 2, Lines 66-68 and column 3, Lines 1-4). "The implant coverings usable in connection with this invention may be manufactured from any material which promotes limited tissue ingrowth into the material, and has biocompatibility and low reactivity and disorganizes scar tissue at the implant/body interface." (See column 6, Lines 57-62). "Implantable prosthetic devices have been used in numerous locations in the body. The most common breast prosthesis is … in which there is an elastomeric container, typically silicone, which is filled with soft gel, typically silicone gel or a saline solution or combination of both. It is known that when a prosthetic device … is implanted in the body (see column 1, Line

10), the fibrous scar tissue encapsulates the device." (See column 1, Lines 12-25). Ledergerber further teaches that PTFE is "available in sheet form of various thicknesses …" (See column 7, Lines 1-2). Ledergerber also teaches that PTFE maybe applied to the prosthesis by a complex expandable weave. (See column 7, Lines 17-23).

Ascertainment of the Difference Between Scope the Prior Art and the Claims (MPEP §2141.012)

Ledergerber lacks a teaching wherein the covering consists essentially of a lactide polymer or a copolymer of two or more cyclic esters. This deficiency is cured by the teachings of Schneider.

Schneider teaches a product "absorbable without causing unfavorable tissue reaction and essentially dimensionally stable within the body comprising an orineted synthetic polylactide polymer ..." (See column 14, claim 1). "The polylactide polymer is poly L(-) lactide containing upto 15 percent by weight of repeating units derived from DL-lactide." (See column 15, claim 4). "Instead of spinning the polylactide polymers into filaments, it is possible to extrude or cast it into films ..." (See column 6, Lines 59-60). "The products of the invention are useful in surgical applications ..." (See column 14, Lines 47-48). The product used as sutures showed "tissue reaction was minimal to absent with no evidence of granuloma formation and adhesion." (See column 8, Lines 65-68). It was also shown that the use of the product showed less scar tissue than did catgut. (See column 8, Lines 72-75).

Finding of Prima Facie Obviousness Rational and Motivation (MPEP §2142-2143)

It would have been obvious to one of ordinary skill in the art at the time of the instant invention, to combine the teachings of Ledergerber with Schneider. One would have been motivated to do so because Ledergerber teaches that any material that impedes tissue in-growth and reduces scaring, can be used as a covering with the invention of Ledergerber. One would further be motivated to use the film of Schneider becuase the film taught by Schneider is biosorbable. For the foregoing reasons, the instantly claimed method of attenuating adhesions between an implant and surrounding tissue is rendered obvious.

Response to Applicant's Arguments

Applicant argues that Schneider et al. is directed to sutures and not to a film or sheet and therefore there is no motivation to use the material taught by Schneider as film covering to the implant taught by Ledergerber. Applicant's arguments have been fully considered but not found persuasive. Both Ledegerber and Schneider are directed to limiting tissue ingrowth associated with the material and thereby reducing scaring when the materials are used. Therefore, because both inventions are directed to achieving the same problem it would have been obvious to one of ordinary skill in the art to use film made of the same material used in the sutures of Schneider to cover the implant of Ledergerber. Therefore, the rejection of claims 1, 3, 4, 5, 21-28, and 51 under 35 U.S.C. 103 (a) is maintained.

4. The rejection of claim 6 under 35 U.S.C. 103 (a) as being unpatentable over Ledergerber (US Patent 4955907, Published 09/11/1990) in view of Schneider (US

Patent 3636956, Published 01/25/1972) further in view of Vijayan et al. (US Patent 5047054, Published 0/10/1991) **is maintained**.

Applicant Claims

Applicant claims a method for attenuating adhesion between an implant (i.e. organ) and surrounding tissue providing a non-porous, resorbable planar membrane polymer of poly-L-lactide and poly-D-L-lactide surrounding an implant.

Determination of the Scope and Content of the Prior Art (MPEP §2141.01)

The combined teachings of Ledergerber and Schneider are discussed above

Ascertainment of the Difference Between Scope the Prior Art and the Claims (MPEP §2141.012)

Ledergerber and Schneider lacks a teaching wherein the covering is heat shrunk on the implant. This deficiency is cured by the teachings of Vijayan et al..

Vijayan et al. teach an orthopedic implant having a thin coating that is applied by a variety of means. The coat is then subjected to heat treatment to allow the coat to cure and provide a tightly adherent biocompatible coating over the implant. (See column 3, Lines 11-22).

Finding of Prima Facie Obviousness Rational and Motivation (MPEP §2142-2143)

It would have been obvious to one of ordinary skill in the art at the time of the instant invention, to combine the teachings of Ledergerber and Schneider with Vijayan et al. One would have been motivated to do so because heating the coating after

applying it to the implant would provide for a tightly adherent coating. For the foregoing reasons, the instantly claimed method of attenuating adhesions between an implant and surrounding tissue is rendered obvious.

Response to Applicant's Arguments

Applicant reiterates arguments from above. Since those arguments have been addressed previously they will not be discussed again here. Therefore, the rejection of claim 6 under 35 U.S.C. 103 (a) is maintained.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ali Soroush whose telephone number is (571) 272-9925.

The examiner can normally be reached on Monday through Thursday 8:30am to 5:00pm E.S.T.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, Johann Richter can be reached on (571) 272-0646. The fax phone number For the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ali Soroush
Patent Examiner
Art Unit: 1616

/Mina Haghighatian/
Primary Examiner, Art Unit 1616